

SAUL EWING
ARNSTEIN
& LEHR LLP

William C. Baton
Phone: (973) 286-6722
Fax: (973) 286-6822
wbaton@saul.com
www.saul.com

June 4, 2021

VIA ECF

The Honorable Brian R. Martinotti, U.S.D.J.
United States District Court
Martin Luther King, Jr. Federal Building
& U.S. Courthouse
50 Walnut Street
Newark, NJ 07102

Re: *TherapeuticsMD, Inc. v. Teva Pharmaceuticals USA, Inc.*
Civil Action No. 20-3485 (BRM)(ESK) (consolidated)

Dear Judge Martinotti:

This firm, together with Haug Partners LLP, represents Plaintiff TherapeuticsMD, Inc. in the above-captioned action. In accordance with Local Patent Rule 4.6 and the Court's June 1, 2021 Order (D.I. 107), we write on behalf of all parties concerning the scheduling of a claim construction hearing in this matter.

The parties have conferred and agree that a hearing would be useful for construction of the disputed terms. We expect that the Court will be able to conduct a hearing on the disputed claim terms in approximately two hours, with one hour allotted per side. The parties agree that live witness testimony will not be necessary and, pursuant to Amended Standing Order 2021-02, agree to a remote hearing. All counsel are available for a *Markman* hearing on July 1, 2021. Accordingly, the parties respectfully request that the Court schedule the *Markman* hearing on July 1, if that day is also convenient for Your Honor. If July 1 is not convenient for Your Honor, the parties are happy to confer and provide the Court with additional dates when all counsel are available.

Thank you for Your Honor's kind attention to this matter.

Respectfully yours,



William C. Baton

cc: Hon. Edward S. Kiel, U.S.M.J. (via ECF)
Counsel for Defendant (via e-mail)